

# Irby/Finance Committee Meeting

## Monday, June 8, 2015

The Irby/Finance Committee met on June 8, 2015 at 10:15 AM at the Old U.S. Mint.

**Members present:** Robert A. Barnett; Madlyn B. Bagneris; Michael M. Davis; Rosemary Upshaw Ewing; and Janet V. Haedicke, Ph.D.

**Members absent:** Kevin Kelly; Lawrence N. Powell, Ph.D.; Philip Woollam; and Diane K. Zink

**Also in attendance:** Alan Fisher: tenant at 503 St. Ann Street, 2<sup>nd</sup> floor; and Louis Sahuc: tenant at 515 St. Ann Street, 2<sup>nd</sup> floor

A quorum was present.

### 1. Call to Order

Mr. R. Barnett called the meeting to order at 10:15 AM.

### 2. Motion to Adopt the Agenda

Motion to Adopt the Agenda MOVED by Ms. Ewing, seconded by Dr. Haedicke. There were no comments from the public. **Unanimously approved.**

### 3. Approval of Minutes

The Irby Finance Committee minutes from the 5/11/15 meeting were distributed in advance. Ms. Ewing MOVED, seconded by Dr. Haedicke, to approve the May 11, 2015 Irby/Finance Committee minutes. There was no public comment. **Unanimously approved.**

### 4. Financials

#### Monthly financial report

The monthly financials as of 4/30/15 were distributed in advance. Mr. Barnett called upon Staff to update Irby. Mr. Wheat reported receipt of the \$150,000 transfer approval from the Joint Budget Committee to the LSM's joint budget, so that the \$75,000 request from Irby for the salary adjustments was no longer necessary. Mr. Tullos said Mr. Wheat spent a lot of time in Baton Rouge to get the money back. Mr. Tullos reported that Wade Levy and his staff have been working hard on repairs to the Lower Pontalba building. Mr. Tullos concluded that as of April 30, 2015, the projected Irby year-end surplus for fiscal year 2014-15 is \$162,325.

#### Budget 2015-16

Mr. Tullos said that staff had prepared a budget for the 2015-16 fiscal year, but it will be presented by Mr. R. Davis when he can be here in August. Mr. Barnett asked if Irby could continue to operate under the same financial plan until the next Irby meeting in August and, in essence, operate status quo for 60 days. Mr. Tullos agreed that they could do that. Mr. M. Davis MOVED, seconded by Dr. Haedicke, to continue operating from the 2014-15 budget until a new one can be approved in August. There was no public comment. **Unanimously approved.**

## 5. Old Business

### Residential rent increases

Mr. Barnett called upon staff for an update. Ms. Washington said the French Market Corp. has still not sent its rent study because it was not discussed at their May 26 meeting. The French Market Corp. is expected to review the study at its June, 2015 meeting and is expected to forward a copy of its file to Ms. Washington. It cannot be shared with LSM until the rent study has been approved by its Board. Mr. Barnett said we could issue the previously approved Public Records Request for the report, but since Irby would have it anyway by August, Irby can easily wait. Ms. Ewing MOVED, seconded by Ms. Bagneris, to defer the discussion of residential rent increases until the August meeting. No public comment. **Unanimously approved.**

### Update on re-roofing project

Mr. Barnett asked for an update from Staff. Ms. Washington said she will be attending a construction meeting on June 10<sup>th</sup> to get an update. She reported that the contractors are currently on the 2<sup>nd</sup> to last phase of the project. Once she gets more information, she will send an email to all of the tenants.

Mr. Barnett briefly asked the Members if it was time to re-set discussions about tenant rent abatement requests. The Members suggested that the issue not be addressed until the entire project is complete.

Ms. Ewing suggested the Irby/Finance Committee review the negative effect it has had, if any, on the commercial tenants at the Irby meeting in October, 2015. No action was taken.

### Plant Removal policy

Mr. Barnett again called upon Staff for an update of all plants that were to have been removed by all tenants and whether any tenant was in default.

- Request by tenant at 503 St. Ann Street, 2nd floor

Ms. Washington said the residential tenant at 503 St. Ann, 2nd floor was requesting an extension on removal of his plants until June 22nd but that staff saw the tenant on his balcony today (June 8<sup>th</sup>) removing all plants from the balcony and railing.

- Request by tenant at 515 St. Ann Street, 2nd floor

The tenant had requested to have a crane or some other apparatus to remove his large plant after June 1<sup>st</sup>, but the plant was removed over the weekend of June 6-7.

All residential tenants have removed their plants from balconies and railings as of June 8, 2015.

- Update on balcony railing at 810 Chartres Street, 2nd floor

Ms. Lewis sent two separate letters, both dated June 5<sup>th</sup>.

The first letter from Ms. Lewis states that she is requesting that the LSM Maintenance staff do the repairs as opposed to Ms. Lewis obtaining an outside contractor.

The second letter from Ms. Lewis is a request to the Irby/Finance Committee that she only be allowed to pay 25% of the estimated cost for damages to her railing as a result of the plant irrigation

system. The Members thoroughly discussed the rights and liabilities of the tenants and Irby. The Members reviewed the PPM. The Members discussed the precedent of reducing or negotiating repair costs. Mr. M. Davis made a MOTION that the Committee allow Ms. Lewis to pay only 25% of the cost for repairs to her railing because he believes it was not inspected often enough by the Maintenance staff and could result in future litigation by the tenant. **The motion was NOT seconded. The Motion failed.**

Ms. Ewing then said the railing in question with Ms. Lewis had been neglected by that tenant over the years due to the irrigation system she had in place. The damages caused by the excessive watering by an improper or banned device caused the water damage even though she (and all other tenants) had been made aware of the PPM and had received written notice to cease as far back as 2009. Excessive watering caused damages to her railing. Ms. Ewing again emphasized that she feels that it would set a “very bad precedent” to allow Ms. Lewis to pay only 25% of the damages. In addition, the lease and Policy and Procedure Manual explicitly state that tenant is responsible for damage to their apartment and balcony which is not due to normal wear and tear.

Mr. Levy then addressed the Committee and said that he noticed that the railing was damaged in 2009, at which time Ms. Mack (the Irby Manager in 2009) had sent out a memo to all residential tenants stating that only certain irrigation systems should be used on the plants. Ms. Lewis' irrigation system allowed too much water too often and hence her entire railing was damaged beyond normal wear and tear. Mr. Levy noted that the tenant at 503 St. Ann Street, 2<sup>nd</sup> floor put rubber linings in his plants and as a result, there is no damage to his fascia. Ms. Washington remarked that she had a copy of the 2009 memo in her file.

Mr. Barnett suggested that Ms. Lewis had three basic options at this time: 1) she can move out and pay Irby for the repairs, 2) she can stay and pay for the damages in full, or 3) she cannot pay the cost of repair and be subject to eviction. Ms. Ewing said we need to get the damage repaired immediately so no further deterioration will occur and bill her for the full amount.

Mr. Levy said the balcony railings were painted in 2010 and fascia boards were pressure washed. From here on in with all balconies clear, Mr. Levy said there should be minimal damage to the railings.

Ms. Ewing MOVED that Ms. Washington send a letter to Ms. Lewis stating that she must pay 100% of the cost of damage repairs to her railing within 30 days of completion of the work and that (as per the suggestion of Ms. Bagneris) Ms. Lewis also receive a copy of the Policy which states that a tenant is responsible for damage over normal wear and tear. In addition, Ms. Washington should send to Ms. Lewis a copy of the memo Ms. Mack sent out in 2009 detailing the type of irrigation system permitted to be used on the porches & plants. Ms. Bagneris seconded the Motion. Mr. Levy commented that he will get in touch with the contractor to set the work. Mr. Wheat confirmed that staff will not delay in fixing the railing. Mr. Levy said if the cost looks higher than previously estimated, Ms. Washington will notify the tenant. In due course, this section of the approved minutes will be sent to the tenant as well. There was no other public comment. Ms. Ewing's MOTION was **approved by voice vote of Mr. Barnett, Ms. Ewing, Ms. Bagneris and Dr. Haedicke with one dissenting vote by Mr. M. Davis.**

Mr. Alan Fisher (tenant) asked to speak on the issue and Mr. Barnett asked him to address the Committee. Mr. Fisher said he has been sending notices to the museum for years about cracks in his roof and nothing was done. He felt that Maintenance on the building did not occur as regularly as it should have. Mr. Wheat remarked that the issue of cracks was the subject of Mr. Fisher's pending lawsuit. Mr. Fisher continued to address the Committee whereupon Mr. Barnett ended the discussion of a pending lawsuit on his ceiling that was neither appropriate nor relevant to the discussion about plants and Ms. Lewis' deteriorating balcony railing. Mr. Wheat said that Maintenance staff checked all ceilings thoroughly after the incident at 503 St. Ann, 2nd floor and everything was found to be sound. He said LSM staff takes preventive maintenance seriously.

Despite the request to speak on the issue at hand, Mr. Fisher continued and said that staff seemed to concentrate on "petty issues and not on bigger, more important issues." Mr. Barnett again asked Mr. Fisher if his comments were germane to the current topic of watering on the balcony; Mr. Fisher said that his comments were germane; Mr. Barnett asked Mr. Fisher to then specify the "petty issues," but Mr. Fisher refused to do so. Then Mr. Fisher stated that base of his railing was "rusted through" and that there are three support members of his railing and one is not connected. Mr. Fisher stated that the failure of the railing caused a danger to him and his family should they go out on their balcony. Mr. Fisher described the spots and location of the railing failures. Mr. Barnett requested Mr. Levy immediately place a barrier on the balcony to stop any person from using it until it could be thoroughly inspected and repaired. Mr. Levy was asked to immediately inspect Mr. Fisher's railing, take pictures, make repairs as necessary and in the meantime, please put caution tape on the balcony to prevent Mr. Fisher and his family from going out onto the balcony. Mr. Barnett also made it clear to Mr. Fisher that he, too, was on notice about the condition of the railing and the hazard that had been created according to Mr. Fisher's representation. Mr. Barnett asked Mr. Fisher if he understood the gravity of his representations. Mr. Fisher agreed that he understood the severity of the situation and that he was "on notice." Mr. Levy will then report his findings at the next Irby/Finance Committee meeting in August. Dr. Haedicke MOVED, seconded by Ms. Ewing, to have Mr. Levy inspect Mr. Fisher's balcony railing, cordon the area off with caution tape, and not allow Mr. Fisher or his family to go out on the balcony until any repairs were made. There was no public comment. **Unanimously approved.**

Mr. Fisher continued to speak and requested an opportunity for tenants to 'air' grievances. Mr. Barnett offered to immediately form a Sub-Committee of the Irby in order for tenants can air any grievances, especially if it involved life, safety and health issues. Mr. Barnett asked Mr. Fisher to identify each and every apartment that he "personally knew about that had any life, safety or health issues from roof to floor to common area anywhere." Mr. Fisher responded that he only knew of the "dangers" in his own apartment. The Irby/Finance Committee already felt that the Irby group was small enough and no sub-committee was necessary. Mr. Barnett commented that tenants should be aware that they are always welcome to attend the meetings since each is public.

Mrs. Ewing made a MOTION for Ms. Washington to send an e-mail followed up by a letter in the mail to all commercial and residential tenants that if any tenant has safety concerns regarding any apartment, interior or exterior, each are free to bring it up at the next meeting on August 10th. This letter should be reviewed by DCRT Counsel Julia George Moore. Seconded by Dr. Haedicke. There was no public comment. The motion was **unanimously approved.**

Mr. M. Davis asked for copy of the letter that Ms. Washington will send to Ms. Lewis.

## 6. New Business

Mr. M. Davis requested that whenever a Policy is updated or changed in the PPM, that the date of the revision be put at the bottom of the policy sheet. Ms. Washington said that is already being done.

Mr. Barnett suggested that for all future agendas, there be a section entitled "Public Comment" in order to allow any member of the public, and specifically tenants, an opportunity to approach Irby with ideas, concerns or complaints. Ms. Bagneris MOVED that an item should be added to the agenda going forward that reads "Public Comment." Seconded by Ms. Ewing. No further public comment. The motion was **unanimously approved**.

Mr. M. Davis requested that when general non-emergency policies change, that the policy change be sent to the tenants so that they have a chance at the next meeting to give their input before any change is enacted. It can then be voted on after the public discussion. He expressed concern that tenants were not kept up to date on agenda items or decisions of Irby. Mr. Barnett commented that all agendas and minutes are available on-line and are posted. LSM staff said they will check with Ms. Moore on how to state this. Mr. M. Davis pointed out that tenants would not be aware of policy changes in the PPM until after the next meeting as the minutes are not posted until approved by the Irby/Finance Committee at that next meeting. So, it is important that the tenants be sent a copy of the proposed changes to the PPM so that they can be present at that next meeting before a final vote is taken. No formal vote of the Irby/Finance Committee was taken but all were in agreement as long as the emergency proviso is understood.

Mr. Barnett asked for a Motion to amend the agenda to add "Public Comment" as an item. Ms. Ewing motioned to amend the agenda. Ms. Bagneris seconded the motion. It was added that the Chair will control the duration of any comments made in "Public Comment" and to ensure that any comments were reasonably related to LSM business. There was no other public comment. The Motion **passed unanimously**.

## 7. Public Comment

Mr. Sahuc, tenant at 515 St. Ann Street, 2<sup>nd</sup> floor, said he likes the idea that tenants can speak at the Irby/Finance Committee meetings. He said no one has touched his balcony in 18 years. The Maintenance staff started work on his fascia board five (5) years ago, sanding it down to the bare wood, and never returned. Ms. Ewing said budgets keep getting cut and Maintenance staff is down to bare bones in terms of numbers and resources. She suggested the tenants contact their legislators about not cutting our budget so much. The Maintenance staff and budget are down by 50%. Mr. Sahuc said he feels much better than he did at the beginning of the meeting and never felt he was welcome to speak and give his public comments before.

Motion by Ms. Ewing, seconded by Dr. Haedicke, to adjourn. **Unanimously approved to adjourn the meeting at 12:00 PM.**